

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

LAKIESHA MCCALL, as Administrator on behalf of DARIUS MCCALL,

Plaintiff

LAS VEGAS METROPOLITAN POLICE  
DEPARTMENT, et al

## Defendants

Case No.: 2:18-cv-01319-APG-EJY

## **Order Rejecting Proposed Pretrial Order**

[ECF No. 101]

Plaintiff Lakiesha McCall filed a proposed pretrial order. ECF No. 101. It does not comply with Local Rules 16-3 and 16-4. First and foremost, the defendants did not participate in preparation of the proposed order, so it is not a joint order as required by Local Rule 16-3(b). McCall asserts that she forwarded a draft of the proposed order to the defendants' counsel, who did not respond. ECF No. 101 at 1. The defendants shall show cause why sanctions should not be imposed against them and their counsel for their failure to comply with Local Rule 16-3(b).

Sanctions may include striking their answer and affirmative defenses, entry of default, and fines.

16 Second, in her exhibit list, McCall identifies “pages from personnel file of” various  
17 witnesses. ECF No. 101 at 11. Other exhibits are also described vaguely. Such vague, broad  
18 designations of exhibits violate Local Rule 16-3(b)(8)’s requirement that parties “must describe  
19 the exhibits sufficiently for ready identification,” and they make it impossible for the other party  
20 to object as required by Local Rule 16-3(b)(8)(B). The parties must identify the specific exhibits  
21 they intend to use at trial. I remind the parties they should not simply list every document  
22 produced in the case, as that would violate Local Rule 16-3.

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1       Third, McCall's list of witnesses includes several people designated as "person most  
2 knowledgeable" of an entity. ECF No. 101 at 13-14. The parties should know by now the names  
3 of witnesses who will be called to testify; vague, general categories of witnesses are not  
4 permitted by Local Rule 16-3(b)(12).

5       Finally, McCall states she will "present the deposition of Darius McCall as redacted for  
6 relevant and proper evidence." ECF No. 101 at 12. But she but does not "designat[e] the  
7 portions of the deposition to be offered," as required by Local Rule 16-3(b)(10).

8       Local Rule 16-3 requires the parties to personally discuss these and other issues. The  
9 requirements set forth in Local Rules 16-3 and 16-4 are designed to streamline trial preparation  
10 and presentation, and to foster settlement. The parties cannot simply wait to make trial decisions  
11 until the eve of trial. If they do, they cannot fully participate in settlement discussions.  
12 Obviously, the defendants have ignored Local Rule 16-3, and McCall's proposed order does not  
13 comply with it.

14       I THEREFORE ORDER that the plaintiff's proposed pretrial order (**ECF No. 101**) is  
15 **REJECTED**. Counsel for the parties shall personally confer as required in Local Rule 16-3, and  
16 submit a joint pretrial order that complies with Local Rule 16-4 by **April 5, 2022**. If the  
17 defendants continue to refuse to participate in the preparation of the proposed order, then McCall  
18 will submit a new, individual proposed order that includes an explanation of the steps her  
19 counsel took to obtain the defendants' participation.

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1 I FURTHER ORDER the defendants to show cause why they should not be sanctioned  
2 for their failure to respond to McCall's draft order or otherwise comply with their obligations  
3 under Local Rules 16-3 and 16-4. If the defendants fail to show cause by **March 24, 2022**,  
4 sanctions will be entered without further warning.

5 DATED this 9th day of March, 2022.



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7 ANDREW P. GORDON  
8 UNITED STATES DISTRICT JUDGE  
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